

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA

v.

ROBERT T. BROCKMAN

§
§
§
§
§

Criminal No. 4:21-cr-00009

**JOINT MOTION TO MODIFY
COMPETENCY HEARING SCHEDULING ORDER**

The Court found that there is reasonable cause to believe that defendant Robert T. Brockman may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense, and scheduled a competency hearing pursuant to 18 U.S.C. § 4241(b). (Dkt. No. 36.)

On October 12, 2021, the Court set dates of November 15, 2021 for the competency hearing to commence; December 6, 2021 for the Government’s and Defendant’s post-hearing briefs (if any); and December 23, 2021 for the Government’s and Defendant’s opposition briefs (if any) (“October 12 Order”). (Dkt. No. 151.) The October 12 Order also provided that, “[p]ursuant to Title 18, United States Code, section 3161(h)(1)(A), the period of delay resulting from the competency examination and proceeding, including from the execution of this Order, until such time as the Court makes a determination pursuant to Title 18, United States Code, section 4241(b), as to whether defendant Robert T. Brockman is presently suffering from a mental disease or defect rendering him mentally incompetent

to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense, shall be excluded from computing the time within which time must commence in this dispute.” (Dkt. No. 151.)

The competency hearing began on November 15, 2021 and adjourned on November 24, 2021.

The parties request an adjustment to the briefing deadlines in the October 12 Order. Because the competency hearing extended until November 24, this Court should extend the briefing deadlines in the October 12 Order, and enter a concomitant exclusion under section 3161(h)(1)(A), as set out in the Proposed Order submitted with this motion.

Dated: November 29, 2021

/s/ Jason Varnado

Jason S. Varnado

Texas Bar No. 24034722

SDTX Ad. ID No. 32166

Email: jvarnado@jonesday.com

JONES DAY

717 Texas, Suite 3300

Houston, TX 77002

Telephone: 832-239-3939

Facsimile: 832-239-3600

Kathryn Keneally (*Admitted Pro Hac Vice*)

New York Bar No. 1866250

Email: kkeneally@jonesday.com

James P. Loonam (*Admitted Pro Hac Vice*)

New York Bar No. 4035275

Email: jloonam@jonesday.com

Sarah D. Efronson (*Admitted Pro Hac Vice*)

New York Bar No. 5217484

Email: sefronson@jonesday.com

Colleen E. O'Connor (*Admitted Pro Hac Vice*)

New York Bar No. 5764725
Email: colleenoconnor@jonesday.com
JONES DAY
250 Vesey Street
New York, NY 10281-1047
Telephone: 212-326-3939
Facsimile: 212-755-7306

Irina K. Bleustein (*Admitted Pro Hac Vice*)
District of Columbia Bar No. 1044772
Email: ibleustein@jonesday.com
Conor G. Maloney (*Admitted Pro Hac Vice*)
District of Columbia Bar No. 1632584
Email: cmaloney@jonesday.com
Patrick J. Manion (*Admitted Pro Hac Vice*)
District of Columbia Bar No. 1615138
Email: pmanion@jonesday.com
Michael R. Tompkins (*Admitted Pro Hac Vice*)
District of Columbia Bar No. 1720349
Email: mtompkins@jonesday.com

JONES DAY
51 Louisiana Avenue, N.W.
Washington, D.C. 20001-2113
Telephone: 202-879-3450
Facsimile: 202-626-1700

Attorneys for Defendant
Robert T. Brockman

CERTIFICATE OF CONFERENCE

I certify that on this 29th day of November 2021, I conferred with counsel for the United States, Mr. Corey Smith, who confirmed that the United States joins this motion.

/s/ Jason S. Varnado

Jason S. Varnado

CERTIFICATE OF SERVICE

I certify that on this 29th day of November, 2021, I electronically served this document on all counsel of record.

/s/ Jason S. Varnado

Jason S. Varnado